**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

| | | |
|---|---|---|
| WILLIAM E. DUGAN, *et al.*, | ) | |
| | ) | |
| Plaintiffs, | ) | |
| | ) | CIVIL ACTION |
| vs. | ) | |
| | ) | NO. 07 C 0684 |
| JESSE'S EXCAVATING, INC., an | ) | |
| Indiana corporation, d/b/a FLAGO | ) | JUDGE MARVIN E. ASPEN |
| CONCRETE & EXCAVATING, INC., | ) | |
| an Indiana corporation, | ) | |
| | ) | |
| Defendant. | ) | |

## MOTION FOR ENTRY OF DEFAULT AND JUDGMENT

NOW COME Plaintiffs, by their attorneys, and move for entry of judgment by default against Defendant, JESSE'S EXCAVATING, INC., an Indiana corporation, d/b/a FLAGO CONCRETE & EXCAVATING, INC., an Indiana corporation, in the total amount of $167,993.31, plus Plaintiffs' court costs and reasonable attorneys' fees in the amount of $1,266.25.

On February 20, 2007, the Summons and Complaint was served on the Registered Agent by tendering a copy of said documents to him personally at his place of business (a copy of the Summons and Affidavit of Service is attached hereto). Therefore, Defendant's answer was due on March 12, 2007. As Defendant has failed to timely answer the Complaint, Plaintiffs respectfully request entry of default and judgment.

/s/   Jennifer L. Dunitz-Geiringer

## CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Default and Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 29th day of March 2007:

Mr. Efrain Vasquez, Registered Agent
Jesse's Excavating, Inc.
4003 W. 82nd Avenue
Merrillville, IN   46410

/s/   Jennifer L. Dunitz-Geiringer

Jennifer L. Dunitz-Geiringer
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